

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the following remarks. Claims 98-108, 110, 111 and 138-147 are currently pending in the application.

Rejections under 35 USC 103(a)

The Examiner has rejected claims 98-108, 110, 111, and 138-147 under 35 USC 103(a) as being unpatentable over Spallone in view of Bezos. Applicants respectfully submit that the cited references fail to disclose or suggest the claimed invention.

The present invention is directed to a system which receives a conditional purchase offer including an offer price from a customer utilizing said web page for purchasing goods and services, receives a payment identifier specifying a financial account for use in providing guaranteed payment for the goods or services if the conditional purchase offer is accepted, compares the conditional purchase offer with seller inventory and pricing information to determine if the conditional purchase offer is acceptable, transmits a rejection of the offer if the offer is unacceptable, and takes an action to deter the customer from submitting multiple conditional purchase offers, wherein the action includes limiting additional conditional purchase offers containing a progressively increasing price.

As such, the present system is directed to a system for receiving purchase offers and payment identifiers from a customer, and taking an action to deter repeat offers if the first offer is

rejected. Spallone discloses no such system . As acknowledged by the Examiner, Spallone is directed to a shopping order system. In Spallone, orders are simply received and filled upon receipt. There is simply no consideration in Spallone of any customer offer and a comparison of the offer (including the offer price) with pricing information to determine if the conditional purchase offer is acceptable, among other features recited in the claims. In Spallone, there is simply no consideration of whether a customer offer is sufficient, for the simple reason that Spallone does not consider offers. The Spallone system merely receives and fills orders.

Accordingly, Spallone further fails to disclose or suggest any arrangement in which any action is taken to deter multiple offers. Accordingly, Spallone clearly fails to disclose or suggest Applicants' present invention.

Bezos fails to cure the deficiencies of Spallone in this regard. The Bezos reference is simply not directed to any system for considering offers.

Accordingly, Applicants respectfully submit that these independent claims, and all claims dependent thereon, are in condition for allowance. Applicants reserve the right to file divisional and continuation applications directed to the remaining claims.

The Examiner is invited to contact Applicants' undersigned representative to discuss any issues which may advance the prosecution of the instant application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 3553-4020US2.

The Commissioner is hereby authorized to charge any necessary fee or credit any overpayment to Deposit Account No. 13-4500, Order No. 3553-4020US2. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By: _____

Walter G. Hanchuk
Reg. No. 35,179

Dated: July 27, 2004

Mailing Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Telecopier